

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ROWE, et al.	Attorney Docket No.: IGT1P119
Application No.: 09/688,854	Examiner: N. Pillai
Filed: October 16, 2000	Group: 2173
Title: METHOD AND SYSTEM FOR CONFIGURING A GRAPHICAL USER INTERFACE BASED UPON A USER PROFILE	Confirmation No.: 1791

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22314

Dear Sir:

Applicants hereby request review of the final rejections in the above-identified application. Review is requested for the reasons stated in the accompanying five-page Remarks Section.

This Request is being filed with a Notice of Appeal.

No amendments are being filed with this Request.

REMARKS

Claims 1-8, 10-14 and 17-33 all stand finally rejected only under 35 U.S.C. § 103(a) as being unpatentable over only U.S. Patent No. 5,971,271 to Wynn, et al. (“Wynn”) and U.S. Patent No. 6,905,409 to Bradshaw (“Bradshaw”). Applicants note that these rejections are identical to those from the previous Office Action, and as such incorporate by reference all Remarks made in Applicants’ prior Response of April 12, 2006. In particular, Applicants respectfully submit that such final rejections are improper for at least the following reasons:

I. Failure to Show All Claimed Elements in Recited Prior Art

Applicants respectfully submit that neither Wynn nor Bradshaw teaches or suggests many of the current claim elements, and that the Final Office Action does not provide any reasonable basis for such. For example, independent claims 1 and 32 both recite the step:

- **determining which elements *from said set of navigation selectable elements* that said [] user is permitted to view in accordance with said [] user profile**

However, the Final Office Action has not adequately shown or discussed how this specific claim element can be found in the recited prior art. Although the Final Office Action appears to hint at this element as part of its general assertion that most of the claimed steps and elements of claim 1 can be found in a ten line passage of Wynn, the Final Office Action then goes on to state that “Wynn . . . does not explicitly teach providing *a set of navigation selectable elements*” (emphasis added). The Final Office Action then goes on to assert that “Bradshaw discloses a gaming system providing a set of navigation selectable elements” in the form of a 10-key keypad with several function keys. Nowhere in Bradshaw is it taught or suggested that any subset of elements from this alleged set of navigational selectable elements are viewable, much less where any determination is made as to which elements a user is permitted to view. Bradshaw does not teach or suggest such a determining step, and Bradshaw certainly does not teach basing any such determination on a user profile. Nothing in Wynn or any of the other recited prior art cures this deficiency of Bradshaw.

Other claim elements are similarly not taught or suggested by Wynn or Bradshaw alone or in combination. As noted above, the Final Office Action asserts that column 2, lines 35-45 of Wynn teaches each of the following claimed steps and elements of claim 1:

- **accepting a second input from an operator of said gaming system**
- **providing a user identification associated with said given user**
- **determining a user profile from said user identification**
- **displaying only said navigation selectable elements said user is allowed to view**
- **wherein said resulting display is customized to the user based at least in part upon said first input and said second input**

A careful read of this passage of Wynn simply does not reveal any or all of these claimed steps and elements, and Applicants remain at a loss as to how to address this deficiency of Wynn. Applicants note that the present claims are directed toward “(configuring) *a graphical user interface*,” rather than providing a simple display and/or video feed as is done in this passage and by Wynn in general, and submit that neither this quoted passage nor any other passage of Wynn teaches the claim steps and elements set forth above, as has been alleged.

Regarding independent claim 10, additional material claim elements have not been adequately accounted for in either of Wynn or Bradshaw. Such additional elements include:

- **wherein said operator is an employer of said given user**
- **determining an access point for said ordered navigation selectable elements for said given user from said profile**
- **said access point determining a portion of said navigation selectable elements which are accessible to said given user and a portion of said navigation selectable elements which are not accessible to said given user based on said order thereof**

With respect to the first element above, the Final Office Action points to Wynn at column 9, lines 20-30. Here, however, Wynn describes how its “concierge” may have a “supervisor,” but never describes how such a supervisor provides any form of “operator input” that is then used to customize a display with respect to any navigation selectable elements. Further, the Final Office Action has asserted that the “first input” provided by the “user” is from a player of the system, and as such the “supervisor” of this passage would then not be an employer of the player, as is claimed. Regarding the second and third elements above, the Final Office

Action again refers to Wynn at column 2, lines 35-45. Applicants respectfully submit that nothing in this passage remotely suggests an access point, much less an access point set to determine which portions of navigation selectable elements are accessible and which are not accessible to the user. Of course, by not teaching these elements, this passage also cannot teach or suggest how such an access point can determine which portions are available and which are not based on a predetermined order of navigation selectable elements.

Regarding independent claim 17, many of the foregoing points stand with respect to similar claim elements. In addition to the foregoing, claim 17 also recites:

- **a main window having a navigation viewport . . . and a data viewport arranged to display information associated with an application**
- **wherein said graphical user interface is adapted to display said navigation selectable elements in a plurality of configurations dependent upon a configuration of a station on which said graphical user interface is displayed or a user profile**
- **and wherein said resulting display is customized to the user based at least in part upon said first input and said second input.**

For the first item above, the claim requires a main window and a data viewport as separate claim elements. However, nothing in the cited reference to Bradshaw or in Bradshaw in general teaches of a main window having a navigation viewport and also a separate data viewport, as is claimed. For the second and third items above, the Final Office Action recites points to Wynn at column 5 lines 1-30 as allegedly teaching or suggesting these elements. A careful read of this passage, however, does not reveal how Wynn teaches any of: 1) a GUI adapted to display navigation selectable elements; 2) in a plurality of configurations; 3) dependent upon a configuration of a station on which said GUI is displayed or a user profile. As noted above, the Final Office Action itself admits that “Wynn . . . does not explicitly teach providing *a set of navigation selectable elements*” (emphasis added). Applicants are thus at a loss as to how any of these items are possibly taught by Wynn. Furthermore, many of the elements of claim 17 have apparently been confused with and/or accounted for by several elements within the recited prior art. For example, while claim 17 recites a computing

device, a gaming device, a first user station and a second user station, the Final Office Action appears to designate at various times an ordinary gaming machine as all of these elements.

Applicants respectfully submit that this is simply not the case, and that these items are to be considered as four separate elements, as has been claimed.

Applicants also traverse the specific rejections made for several dependent claims as well. Details regarding such dependent claims may be found in Applicants' prior Response of April 12, 2006. As noted therein, for many of these dependent claims, the Final Office Action does not point to any reference, but merely asserts, "It would have been obvious [to have such an element]." Applicants respectfully object to such improper rejections.

II. No Reasonable Expectation Of Success Within The Prior Art

The Final Office Action fails to show where any reasonable expectation of success exists in the recited prior art, instead relying upon Applicants' disclosure. The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention, however, and Applicants submit that one of skill in the art would simply not consider modifying the relatively simple ten-key keypad of Bradshaw to be a customized graphical user interface for each user, and then combine this modified keypad with the video feed display disclosed by Wynn to arrive at the claimed invention. Nothing in any reference suggests that the ten-key keypad of Bradshaw should or could be customized for a given user. Furthermore, the only "customization" taught by Wynn is with respect to data, such as user name and other personal information that might be displayed. Such customization is not made with respect to an overall *graphical user interface* configuration, as has been claimed. In fact, nothing in either reference teaches or suggests a *graphical user interface* that is customizable for a user, much less one that is customizable based on input from both the user and an operator. Furthermore, neither reference teaches or suggests a graphical user interface having a set of navigation selectable elements, some of which may or may not be accessible

to the user based on such a customized configuration. In making the pending rejections, the Final Office Action repeatedly confuses the terms user and operator with player, casino employee or concierge, and/or casino supervisor, without reading these persons and their associated terms. As such, the ten key keypad of Bradshaw, which is to be used by a casino dealer, does not translate well to the video feed and display system of Wynn, where it would then be used by a game player. Similar discrepancies exist with other purported combinations of the teachings of Wynn and Bradshaw.

III. No Motivation To Combine Within The Prior Art

Although the Final Office Action states, “It would have been obvious for one skilled in the art, at the time of the invention to learn from Bradshaw to disclose teaching providing a set of navigation selectable elements,” and also “it would have been obvious to provide a set of navigation selectable elements for displaying for carrying out the user interaction referred to in Wynn,” the Final Office Action does not point out where in the prior art these proposed “motivations” or “problems” exist. Applicants respectfully submit that neither of these particular proposed motivations would motivate one to make the proffered combination of all of the recited references in the manner proposed to achieve the claimed invention in any event. Accordingly, Applicants respectfully submit that no proper motivation to combine references in the manner proffered has been shown.

In view of the foregoing, it is respectfully submitted that the rejections of all pending claims should be withdrawn.

Respectfully Submitted,
BEYER WEAVER & THOMAS, LLP

Date: September 28, 2006

/justinwhite/
Justin A. White, Esq.
Reg. No. 48,883

P.O. Box 70250
Oakland, CA 94612-0250
(650) 961-8300